

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 9, 2004**

DIVISION TWO

B170039 Iaco (Not for Publication)  
v.  
Edison Mission Energy, et al.

The appeal is dismissed. Respondents are entitled to their costs on appeal.

Ashmann-Gerst, J.

We concur:   Nott, Acting P.J.  
Doi Todd, J.

B168235      Padilla      (Not for Publication)  
v.  
Legal Aid Foundation of Los Angeles

The order is affirmed. Legal Aid is entitled to its costs on appeal.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

B173067      Pegg      (Not for Publication)  
v.  
Weller, et al.

The judgment of the trial court is affirmed. Respondents are entitled to their costs on appeal.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
Doi Todd, J.

September 09, 2004 (Continued)

## DIVISION TWO (Continued)

B170437 People (Not for Publication)  
v.  
Gibbs

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:   Nott, Acting P.J.  
Doi Todd, J.

DIVISION THREE

B165380      Amitis Motevalli      (Certified for Publication)  
v.  
Los Angeles Unified School District

The judgment is affirmed. Each party to bear their own costs.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B170128      Laurel A. Rosenberg  
v.  
Fred Sherman and Alex Vasilevsky

Filed order granting petition for rehearing. Cause resubmitted.

DIVISION FOUR

B166089 Soluri (Not for Publication)  
v.  
Rudkin et al.

The order of the probate court from which appeal is taken is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

B17257 Beauclair II (Not for Publication)  
v.  
Hurdle

The judgment is affirmed. Respondent shall have her costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B173054      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Charlin H. et al.

Larry C.'s appeal is dismissed. The order appealed from (termination of parental rights to Miko H.) is affirmed with regard to Charlin H.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

## DIVISION FOUR (Continued)

B168848      Aguilar      (Not for Publication)  
v.  
Lumenis, Inc.

The judgment in the amount of \$49,751.16, plus interest, is affirmed with regard to the second cause of action.

The judgment of \$3,139.50 plus interest is reversed with regard to the first cause of action. The cause is remanded, and trial court is directed to withdraw its denial of appellant's motion for summary adjudication of the first cause of action, and to enter a new order granting the motion and dismissing the first cause of action. The trial court is further directed to strike the sum awarded as attorney fees incurred in this action, and any interest thereon.

Appellant shall have its costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

DIVISION FIVE

B166463 Hayes (Not for Publication)  
v.  
Cedar-Sinai Medical Center et al

The judgment is reversed. The trial court is directed to vacate the judgment denying the petition for writ of mandamus and enter a new judgment granting the petition and ordering the hospital to afford Doctor Hayes a hearing on his application. Doctor Hayes is awarded his costs on appeal.

Grignon, Acting P.J.

We concur:   Turner, P.J.  
                     Mosk, J.

## DIVISION FIVE (Continued)

B167292      Javier et al      (Not for Publication)  
v.  
Lopez

The trial court's order vacating the dismissal is affirmed. Respondents to be awarded their costs on appeal.

Mosk, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B165974      People                                  (Certified for Publication)  
v.  
Rodriguez

The trial court's determinations that appellant's prior Texas convictions qualified as serious felonies under California law are reversed. The enhanced sentence imposed for appellant's California burglary conviction pursuant to sections 667, subdivision (e)(2)(A) and 1170.12, subdivision (c)(2)(A) as a result of the trial court's findings concerning the prior Texas convictions is reversed. The five-year sentence enhancements imposed for each of appellant's prior Texas convictions pursuant to section 667, subdivision (a)(1) are also reversed. The matter is remanded for retrial on the prior Texas convictions. The judgment is otherwise affirmed.

Mosk, J.

We concur: Turner, P.J.  
Armstrong, J.

B170016      Hrayr Shahinian  
v.  
Martin Weiss

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B166186      Adal Salawy et al  
                 v.  
                 Ocean Towers Housing Corp.

Filed order denying petition for rehearing. Armstrong, J. would grant rehearing.

DIVISION SIX

Court convened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. P. McGill, Chief Deputy Clerk and G. Bents, Senior Deputy Clerk.

Each of the following:

B167710 People v. Butler  
B168100 People v. Valencia  
B168679 People v. Ferrell  
B168963 People v. Robbs  
B168993 People v. Jones  
B169443 People v. Najeb R.  
B169839 People v. Smith  
B170182 People v. Solarzano  
B171236 People v. Paul M.  
B171666 People v. Bailey  
B172160 People v. Anderson  
B172963 People v. Prieto

Argument waived, cause submitted.

B172764      People  
                 v.  
                 Hardy

Merits:

Argued by Richard B. Lennon for appellant and by Jaime L. Fuster, Deputy Attorney General, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B170322     People  
              v.  
              Samaniego

Merits:  
Argued by Richard B. Lennon for appellant and by Adrian Tigmo, Deputy Attorney General, for respondent via video conference. Cause submitted.

B169939     People  
              v.  
              Allen

Merits:  
Argued by Michael A. Goldfeder for appellant and by Peggie Bradford Tarwater, Deputy Attorney General, for respondent via video conference. Cause submitted.

B165994     People  
              v.  
              Price

Merits:  
Argued by Richard Eric Holly for appellant and argument previously waived by respondent. Cause submitted.

B169554     People  
              v.  
              King

Merits:  
Argued by Richard Eric Holly for appellant and argument previously waived by respondent. Cause submitted.

DIVISION SIX (Continued)

B165093     People  
              v.  
              Balderrama

Merits:

Argued by Raymond L. Girard for appellant and by Lisa J. Brault, Deputy Attorney General, for respondent via video conference. Cause submitted.

B170297     People  
              v.  
              Traylor

Merits:

Argued by Angelyn Gates for appellant and by Peggie Bradford Tarwater, Deputy Attorney General, for respondent via video conference. Cause submitted.

Yegan, J. left the bench.

B166937     People  
              v.  
              Giles

Merits:

Argued by Marilyn G. Burkhardt for appellant via video conference and by Russell A. Lehman, Deputy Attorney General, for respondent via video conference. Cause submitted.

Court adjourned at 3:15 P.M.



September 09, 2004 (Continued)

## DIVISION SIX (Continued)

B172345 People v. Smith (Not for Publication)

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B168439 People  
v.  
Albertson

Filed order denying petition for rehearing.

## DIVISION SEVEN

Johnson, Acting P.J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B168168 People v. Cordova  
B170162 People v. Leticia C.  
B170566 People v. Castro  
B168183 Unity Adjustments v. 1110 N. Hacienda

Argument waived, cause submitted.

B171395      Themeing Solutions  
v.  
Peck/Jones

Merits:  
Argued by Walter Luostari for appellant and by Todd Chayet for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B169050     Heath  
              v.  
              Employees Board of Administration

Merits:  
Argued by Paul Davis for appellant and by William Gersten for respondent.  
Cause submitted.

B172227     Sancho  
              v.  
              Ramirez et al.

Merits:  
Argued by Alfredo Sancho for appellant and by Christopher Sheedy for respondents. Cause submitted.

B167254     Cheeks  
              v.  
              California Fair Plan

Merits:  
Argued by Nicholas Weimer for appellant and by Bradley Childers for respondent. Cause submitted.

At 10:00 a.m. Presiding Justice Perluss assumed the bench.

B168333     Battle  
              v.  
              Santa Monica Lincoln

Merits:  
Argued by Nichelle Jones for appellant and by Shelley Kaufman for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B167473     Sarkissian  
              v.  
              City of Calabasas

Merits:  
Argued by Gene Ramos for appellant and by Ernest Malaspina for  
respondent. Cause submitted.

B163879     County of Los Angeles  
              v.  
              Osterweil

Merits:  
Argued by Jeffrey Hausman for appellant and by Ben Whitwell for  
respondent. Cause submitted.

Court recessed at 10:51 a.m.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy  
Clerk.

B172847     Lewis v. Demdel Investments  
  
              Argument waived, cause submitted.

B171500     Heath  
              v.  
              Heath

Merits:  
Argued by Jamaar Boyd for appellant and by Russell Heath for respondent.  
Cause submitted.

DIVISION SEVEN (Continued)

B172631     Cole  
              v.  
              California Insurance Guarantee

Merits:  
Argued by Jay Plotkin for appellant and by C. Guerry Collins for  
respondent. Cause submitted.

B159386     Edwards et al.  
              v.  
              Angeles Abbey  
              South Los Angeles Mortuary

Merits:  
Argued by Thomas Keeling for appellants and by Mark Herskovitz and  
Tina Varjian for respondents. Cause submitted.

B170510     Anne Taubman  
              v.  
              U.S. Bank  
              Richard Taubman

Merits:  
Argued by John Blanchard for appellant and by Elizabeth Chilton and Paul  
Stanton for respondents. Cause submitted.

Court adjourned at 4:13 p.m.